IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

FOREIGH ADOPTION PETITION NO.45 OF 2004

In the matter of Guardiansd and Wards Act, 1890 :

And

In the matter of the appointment of guardian of personof a male minor Mahesh

Mr.Duane Evan Barton And
Mrs.Kimberly Louise Barton ....Petitioners

Mr.Rakesh Kapoor i/b M/s.Rakesh Kapoor & Co. for the Petitioners.

Ms.Purnima Soni, representative of I.C.S.W. present.

CORAM : S.J. VAZIFDAR, J.
DATED : 27TH OCTOBER, 2004.

P.C. :

1. By an order dated 28th April, 2004, the Petitioners were appointed guardians of the minor Mahesh. As the minor was over four years of age, the said order requires the Petitioners to remove him personally from the jurisdiction of this Court after giving notice to I.C.S.W. and to take minor to the Petitioners' home abroad.

2. Today an affidavit dated 25th October, 2004 has been filed by one Mrs.Madhavi Hegde-Karandikar, the Secretary of Bal Asha Trust, Mumbai. Annexed thereto is a letter dated 26th August, 2004 from the Petitioners stating that they are unable to escort the minor presently as they have a six years son who requires physical therapy twice a day and that their aunt is very ill, bed-ridden and the doctors are uncertain about how long she will survive.

3. A fax message from International Family Services, the sponsor agency has confirmed the genuineness of the reasons and has also agreed to escort the minor. The agency has requested permission for the same. This letter is annexed as Exhibit-B to the affidavit.

4. I am satisfied that the reasons given are reasonable and genuine. There is nothing to indicate the contrary.

5. In the circumstances, the following order is passed :-

i). A duly authorised representative from the International Family Services is permitted to

remove the said minor from the jurisdiction of this Court after giving due notice to I.C.S.W. in accordance with the order dated 28th April, 2004.

ii). All other conditions regarding the removal of the minor stipulated in the order dated 28th April, 2004 shall remain.

. Parties to act on an ordinary copy of this order duly authenticated by the Chamber Registrar/Court Stenographer of this Court.